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In The United States District
Western District of Pennsylvania

Victor D'Alfonso,
Plaintiff.

V.S

Sgt. Redding, RHU Sergeant
C.O. Slater, C.O. Mahoney,
C.O. Manilla,
et al.

Civil No. 1:21-cv-280

Hon. Lanzillo

Jury trial demanded

Complaint with Jury Demand

Introduction

This is a civil rights action filed by Victor D'Alfonso, a state prisoner, for damages and injunctive relief under 42 U.S.C. § 1983, alleging excessive use of force in violation of the Eighth Amendment to the United States Constitution. The plaintiff also alleges the torts of assault and battery.

Jurisdiction

1. The court has jurisdiction over the plaintiff's federal Constitutional rights under 42 U.S.C. §§ 1331(1) and 1343.

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CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

2. The court has supplement jurisdiction over the plaintiffs State of law that claims under 28 U.S.C § 1367.

Parties

3. The plaintiff, Victor D'Alfonso was incarcerated at the Forest State Correctional institute ("SCI-Forest") during the events described in this complaint.

4. Defendant, Reddinger is a Correctional sergeant in charge of SCI-Forest's restricted housing unit on J-unit. He is legally responsible for the operation of this unit on his shift at SCI-Forest. He is sued in his individual and Official Capacities.

5. Defendant, A. Slater is a Correctional Officer of the PA Department of Corrections who at all times mentioned in this complaint, held the rank of C.O.1 and was assigned to SCI-Forest, RHU-J-unit. He is sued in his individual and Official Capacities.

6. Defendant, Mahoney is a correctional officer of the PA Department of Corrections who at all times mentioned in this complaint, held the rank of C.O.1 and was assigned to SCI-Forest

RHU-J-unit. He is sued in his individual and official capacities.

7. Defendant, Manilla is a Correctional officer of the PA Department of Corrections who at all times mentioned in this held the rank of C.O.1 and was assigned to SCT-Forest RHU-J-unit. He is sued in his individual and official capacities.

8. All the defendants have acted, and continue to act, under color of state law at all times relevant to this complaint.

Facts

9. On January 23, 2020, at about 10:45 am plaintiff took his cell door aperture "Hostage" placing the mattress into the aperture.

10. At about 11:00 am on that same day defendant Reddinger along with defendant's A. Slater, Mahoney, and Manilla arrived at plaintiff's cell.

11. Defendant Slater then began threatening plaintiff with physical harm stating "as soon as I get this bed out of the wicket I'm going to fucking spray you pussy"

12. No order was given to plaintiff to remove the mattress from his cell door wicket.

13. At that time defendant A. Slater along with defendant Reddinger, Mahoney, and Minilla began stabbing the mattress with their key's ripping it in half.

Misuse of Force

14. After the defendant's ripped the mattress in half with their key's defendant ~~A. Slater~~ wantonly sprayed plaintiff in the face and body with a can of O.C (oleoresin capsicum).

15. At no time did any of the defendant's give plaintiff a direct order to go to the cell door to be restrained.

16. After being sprayed by defendant A. Slater, along with defendant's Mahoney, Reddinger, and Manilla laughed at plaintiff

17. After the defendants secured plaintiff's cell door aperture and leaving the vicinity of plaintiff's cell defendant Reddinger stated "Soak in that for awhile. Next time you

Should have your celly in check".

18. After a few minutes plaintiff was then ordered to the door to be restrained in which plaintiff complied

19. Plaintiff was then escorted to the J-unit medical triage by the defendants where defendants Reddinger, and A. Slater removed off their mask and defendant A. Slater stated "I hate that fucking spray D'Alfonso" and then proceeded to punch the plaintiff three (3) times in my rib's while still handcuffed.

20. When the nurse arrived plaintiff refused treatment due to fear of his safety.

21. Plaintiff was then escorted to the J/A-unit shower where he was confined until around 1:45 pm.

22. Plaintiff was then escorted and placed back in his cell.

23. During this assault the plaintiff suffered physical harm and emotional distress.

24. During these events the plaintiff was not a danger to himself or others, did not resist or threaten the officers in any fashion, wasn't combative, trying to escape or destroying property, nor was he breaking any prison rules.

25. During these events defendant's A. Slater, Reddinger, Mahoney, and Manilla repeatedly engaged in unnecessary, wanton and excessive force against the plaintiff.

Exhaustion of Administrative Remedies

26. The plaintiff has exhausted his administrative remedies with respect to all claims and all defendants.

Claims for Relief

27. The actions of defendant's A. Slater, Reddinger, Mahoney, and Manilla in using physical force against plaintiff without need or provocation, or in failing to intervene to prevent the misuse of force, were done maliciously and sadistically and constituted cruel and unusual punishment in violation

of the eighth Amendment of the United States Constitution

28. The actions of defendants A. Slater, Reddinger, Mahoney, and Marilla in using physical force against the plaintiff without need or provocation constituted the tort of assault and battery under the law of Pennsylvania

Relief Requested

WHEREFORE, plaintiff requests that the court grant the following Relief:

29. A declaration that the acts and omissions described herein violated plaintiff's rights under the constitution and laws of the United States

30. A preliminary and permanent injunction ordering the defendants to cease utilizing oleoresin capicum spray as a vehicle to inflict punishment.

31. Compensatory damages in the amount of \$100,000 against each defendant, jointly and severally.

32. Punitive damages in the amount of \$50,000 against each defendant.

33. A trial by jury on all issues triable by jury.

34. Plaintiff's costs in this suit

35. Any additional relief this court deems just, proper and equitable.


Dated: 10/7/21

Respectfully Submitted
Victor D'Alfonso # LZ6233
SCI-Forest, P.O. Box 945
Marienville, PA 16239

Verification

I have read the foregoing complaint and hereby verify that the matters alleged are true. I certify under the penalty of perjury that the foregoing is true and correct.

Executed at Marienville, Pennsylvania on
October 7th, 2021


Victor D'Alfonso # LZ6233

IN The United States District
Western District of Pennsylvania

Victor D'Alfonso,
Plaintiff,

v.

Sgt. Reddinger
C.O. A. Slater, C.O. Mahoney,
and C.O. Manilla,
et al

Civil No. 1:21-cv-280

How. Lanzillo

Jury Demand

Plaintiff, Victor D'Alfonso, hereby
demands a jury trial

Date: 10/7/21


Victor D'Alfonso
LZ6233